

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



10/621,218  
Initial Patent Application of

Kenneth C. Johnson et al.

Application No.: 10/621,218

Filed: July 16, 2003

For: METHOD OF MEASURING MESO-  
SCALE STRUCTURES ON WAFERS

Group Art Unit: 2855

Examiner: Unknown

**SECOND REQUEST FOR CORRECTION  
OF OFFICIAL FILING RECEIPT IN  
RESPONSE TO PREVIOUS DENIAL**

121 Spear Street, Suite 290  
San Francisco, CA 94105  
(415) 512-1312

Commissioner for Patents  
Attn: Office of Initial Patent Examination's  
Filing Receipt Corrections  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as First Class Mail in an  
envelope, addressed to: Commissioner for Patents, P.O.  
Box 1450, Alexandria, VA 22313-1450 on Nov. 18, 2003.

STALLMAN & POLLOCK LLP

Dated: 11/18/2003

By:

*Georgia K. Smith*  
Georgia K. Smith

Sir:

On October 23, 2003, Applicant filed a Request for Correction of Official Filing Receipt, a copy of which is enclosed. On November 7, 2003, the Request was denied because:

"The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority."

This conclusion is wrong and is based on incorrect data which is still apparently in the Patent Office records.

**FACTS**

The earliest provisional application for which priority is being claimed was filed on December 10, 1999. A second provisional application was filed on April 4, 2000. A regular utility application was filed on December 11, 2000. Since December 10, 2000, fell on a Sunday,

Applicant was entitled to file to utility application on December 11, 2000, and claim priority to the earlier provisional patent application filed on December 10, 1999. <sup>Spri</sup>

The first filing receipt issued by the U.S. Patent Office had the correct date, December 11, 2000. However, at some point during prosecution, the U.S. Patent Office changed the date to February 12, 2001. Various efforts were made by the Applicant to correct this error. This error has finally been corrected as shown in the attached Certificate of Correction which was issued on November 26, 2002. This pending application claims priority back to the original filing of U.S. Patent No. 6,340,602 which was filed on December 11, 2000, and which was filed in a timely manner.

In view of the above, the Filing Receipt must be corrected to recognize the benefit of the two prior provisional applications and also to correct the filing date of U.S. Application Serial No. 09/735,286 to December 11, 2000.

Attached is a copy of the Official Filing Receipt which was received in our offices on October 20, 2003, in connection with the above-identified application

The Official Filing Receipt is in error. Please amend the receipt as shown in red ink on the attached copy as follows:

In the "Domestic Priority data as claimed by applicant," section, please delete the two lines of information starting with "This application is a CON" through "PAT 6,340,602" and replace the deleted text with the following "Domestic Priority data" information:

**--This application is a CON of 09/999,410 10/31/2001 PAT 6,623,991  
which is a CON of 09/735,286 12/11/2000 PAT 6,340,602  
which claims benefit of 60/172,851 12/10/1999  
and claims benefit of 60/194,651 04/04/2000--**

Please forward the amended Official Filing Receipt to:

STALLMAN & POLLOCK LLP  
Attn: Michael A. Stallman  
121 Spear Street, Suite 290  
San Francisco, CA 94105

//

//

//

//

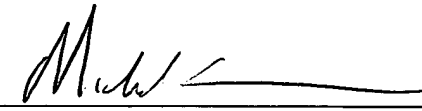
In the event it is determined that a fee pursuant to 37 C.F.R. §1.19(h) is required in connection with this request, the Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 50-1703, under Order No. TWI-30620. **A duplicate of this sheet is enclosed.**

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: November 18, 2003

By: \_\_\_\_\_



Michael A. Stallman  
Reg. No. 29,444

Attorneys for Applicant(s)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/621,218	07/16/2003	2855	375	TWI-30620	19	2	2

RECEIVED

CONFIRMATION NO. 1054

STALLMAN & POLLOCK LLP  
121 Spear Street, Suite 290  
San Francisco, CA 94105

OCT 20 2003

STALLMAN & POLLOCK LLP

FILING RECEIPT



\*OC000000011057015\*

Date Mailed: 10/17/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

- ✓ Kenneth C. Johnson, Santa Clara, CA;
- ✓ Fred E. Stanke, Cupertino, CA;

This application is a CON of 09/999,410 10/31/2001 PAT 6,623,991  
which is a CON of 09/735,286 12/11/2000 PAT 6,340,602  
which claims benefit of 60/172,851 12/10/1999  
and claims benefit of 60/194,651 04/04/2000

Domestic Priority data as claimed by applicant

- ✓ This application is a CON of 09/999,410 10/31/2001 PAT 6,623,991
- ✓ which is a CON of 09/735,286 02/12/2001 PAT 6,340,602

Foreign Applications

If Required, Foreign Filing License Granted: 10/17/2003

PRIOR ART STATEMENT DUE: — (filed 07/16/03)

Projected Publication Date: 01/29/2004

FOREIGN FILING LETTER DUE: —

Non-Publication Request: No

FOREIGN FILING DEADLINE: — (expired 02/12/02)

Early Publication Request: No

24 Months  
18 MONTH SUSPENSE DATE: 07/16/05

\*\* SMALL ENTITY \*\*

Title

Method of measuring meso-scale structures on wafers

Preliminary Class

CAS

073

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

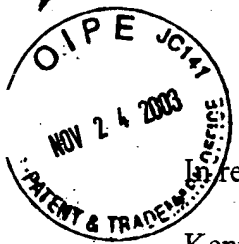
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Initial Patent Application of

Kenneth C. Johnson et al.

Application No.: 10/621,218

Filed: July 16, 2003

For: METHOD OF MEASURING MESO-  
SCALE STRUCTURES ON WAFERS

Group Art Unit: 2855

Examiner: Unknown

**REQUEST FOR CORRECTION OF  
OFFICIAL FILING RECEIPT**121 Spear Street, Suite 290  
San Francisco, CA 94105  
(415) 512-1312Commissioner for Patents  
Attn: Office of Initial Patent Examination's  
Filing Receipt Corrections  
P.O. Box 1450  
Alexandria, VA 22313-1450**CERTIFICATE OF MAILING**I hereby certify that this correspondence is being deposited  
with the United States Postal Service as First Class Mail in an  
envelope, addressed to: Commissioner for Patents, P.O.  
Box 1450, Alexandria, VA 22313-1450 on October 23, 2003.  
STALLMAN & POLLOCK LLPDated: 10/23/2003

By:

Georgia K. Stith  
Georgia K. Stith

Sir:

Attached is a copy of the Official Filing Receipt which was received in our offices on  
October 20, 2003, in connection with the above-identified application

The Official Filing Receipt is in error. Please amend the receipt as shown in red ink on  
the attached copy as follows:

In the "Domestic Priority data as claimed by applicant," section, please insert  
immediately after the last line "which is a CON of 09/735,286 01/12/2001 PAT 6,340,602":

**--WHICH CLAIMS BENEFIT OF 60/172,851 12/10/1999  
AND CLAIMS BENEFIT OF 60/194,651 04/04/2000--**

Please forward the amended Official Filing Receipt to:

STALLMAN & POLLOCK LLP  
Attn: Michael A. Stallman  
121 Spear Street, Suite 290  
San Francisco, CA 94105

In the event it is determined that a fee pursuant to 37 C.F.R. §1.19(h) is required in  
connection with this request, the Commissioner is hereby authorized to charge payment of any

Atty Docket No.: TWI-30620

**COPY**

fees associated with this communication or credit any overpayment to Deposit Account No. 50-1703, under Order No. TWI-30620. **A duplicate of this sheet is enclosed.**

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: October 12, 2003

By: 

Michael A. Stallman  
Reg. No. 29,444

Attorneys for Applicant(s)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/621,218	07/16/2003	2855	375	TWI-30620	19	2	2

RECEIVED

OCT 20 2003

STALLMAN & POLLOCK LLP

CONFIRMATION NO. 1054

FILING RECEIPT



\*OC000000011057015\*

Date Mailed: 10/17/2003

STALLMAN & POLLOCK LLP  
121 Spear Street, Suite 290  
San Francisco, CA 94105



Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

WHICH CLAIMS BENEFIT OF 60/172,851 12/10/1999  
AND CLAIMS BENEFIT OF 60/194,651 04/04/2000

- ✓ Kenneth C. Johnson, Santa Clara, CA;
- ✓ Fred E. Stanke, Cupertino, CA;

Domestic Priority data as claimed by applicant

This application is a CON of 09/999,410 10/31/2001 PAT 6,623,991  
which is a CON of 09/735,286 02/12/2001 PAT 6,340,602

Foreign Applications

If Required, Foreign Filing License Granted: 10/17/2003

PRIOR ART STATEMENT DUE: - (filed 07/16/03)

Projected Publication Date: 01/29/2004

FOREIGN FILING LETTER DUE: -

Non-Publication Request: No

FOREIGN FILING DEADLINE: - (expiring 02/12/02)

Early Publication Request: No

24 Months  
18 MONTH SUSPENSE DATE: 07/16/05

\*\* SMALL ENTITY \*\*

Title

Method of measuring meso-scale structures on wafers

Preliminary Class

COPY

073

---

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, Unit d States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

COPY

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 6,340,602 B1  
DATED : January 22, 2002  
INVENTOR(S) : Kenneth C. Johnson and Fred E. Stanke

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page,

Item [22], change "(22) Filed: Feb. 12, 2001" to -- (22) Filed: December 11, 2000 --.



Attest:

*Brenda Moore*

Attesting Officer

Signed and Sealed this

Twenty-sixth Day of November, 2002

A handwritten signature in black ink, appearing to read "James E. Rogan", written over a horizontal line.

JAMES E. ROGAN

Director of the United States Patent and Trademark Office

COPY